

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America)

v.)

FRANKLIN RENAN EUCEDA,)

a/k/a "Nathaniel Fuentes,")

a/k/a "Nathaniel Ortiz,")

a/k/a "Nathaniel Ortiz-Fuentes")

Case No.

17-421-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 10, 2016 in the county of Philadelphia in the
Eastern District of Pennsylvania, the defendant(s) violated:

Code Section

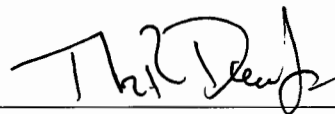
8 U.S.C., Section 1326(a)

Offense Description

Franklin Renan Euceda, an alien, and native and citizen of Honduras, who had previously been deported from the United States on or about June 26, 2009, was found in the United States, having knowingly and unlawfully reentered the United States without first applying to the Attorney General or his successor, the Secretary for the Department of Homeland Security, for permission to reapply for admission, and without receiving in response the express consent to reapply for admission, in violation of 8 U.S.C. Section 1326(a).

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.

Complainant's signature

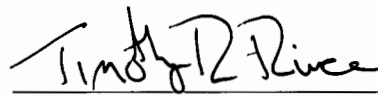
Thomas R. Darmody, Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date:

3/20/2017



Judge's signature

City and state:

Philadelphia, PA

HON. TIMOTHY R. RICE, USMJ

Printed name and title

Authorized by telephone
 3/20/17 at 5:30 p.m.

 3/21/17

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AFFIDAVIT

1. I, Thomas R. Darmody, am a Deportation Officer of the Department of Homeland Security under Immigration and Customs Enforcement ("ICE"). I have been an Officer with ICE since June of 2005. As part of my duties, I conduct investigations related to violations of the Immigration and Nationality Act, specifically foreign born nationals that have been deported from the United States and subsequently reentered the United States illegally. I am currently assigned to the ICE Enforcement and Removal Operations ("ERO") Philadelphia, Pennsylvania Field Office ("ICE ERO/PHI") and my duties include investigating violations of Title 8 of the United States Code to include violations of immigration offenses.

2. This affidavit is made in support of a criminal complaint against Franklin Renan Euceda also known as "Franklin Euceda," "Nathaniel Fuentes," "Nathanael Ortiz," and "Nathanael Ortiz-Fuentes" because there is probable cause to believe that Euceda, an alien, has illegally re-entered the United States after deportation, in violation of Title 8, United States Code, § 1326(a).

3. On May 10, 2016, ICE received information via the Secure Communities/Priority Enforcement Program that Euceda had been arrested by Philadelphia Police for a violation of Pennsylvania narcotics laws. Euceda, in Philadelphia Police Department custody at that time, was found to be a match to FBI No. 709223DD7.

4. On March 20, 2017, Deportation Officer Darmody scanned Euceda's fingerprints that were obtained by Philadelphia Police Department on May 10, 2016 subsequent to Euceda's criminal arrest and electronically submitted those fingerprints to the National Crime Information Center ("NCIC") and Department of Homeland Security Databases. NCIC indicated that FBI No. 709223DD7 was assigned to Euceda, and that Euceda had previous encounters with U.S. Immigration and Customs Enforcement. Further checks in the Enforcement Alien Removal Module ("EARM") database were conducted for Euceda's immigration history in the United States. It was found that Euceda had been previously deported from the United States on June 26, 2009.

5. On March 20, 2017, your affiant reviewed documents from the official record or Alien File ("A File") pertaining to Euceda. The A File is maintained by ICE. These records are maintained in the name of Franklin Renan Euceda and contain this individual's biographical information, family history, records of encounters with ICE, conviction records, photographs and fingerprints. Based on the review of these records, your affiant has concluded that this A File does in fact pertain to the individual charged in this complaint. The record reflects the following information relative to this individual:

- a. Franklin Renan Euceda is a citizen and national of Honduras.
- b. There is no evidence in his alien file that Euceda is a citizen or national of the United States.
- c. This affidavit and the Complaint to which it is attached correctly reflect Euceda's true name.
- d. On January 24, 2017, Euceda plead guilty in the Court of Common Pleas for Philadelphia County, under the name "Nathaniel Fuentes," to possession with

the intent to deliver a controlled substance in violation of Title 35, Pa.C.S.A. § 780-113(a)(30).

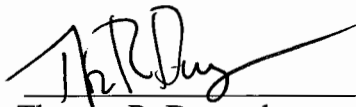
e. The United States, pursuant to a “Warrant of Deportation/Removal,” removed Euceda on or about June 26, 2009 through New Orleans, LA to Honduras.

f. Euceda re-entered the United States on an unknown date, and did so without having obtained the permission of the Attorney General of the United States or his successor, the Secretary of Homeland Security, to reapply for admission.

6. A search of ICE databases reveal that Euceda did not seek the permission of the United States Attorney General, or his successor, the Secretary of the Department of Homeland Security, to reapply for admission into the United States, as required by 8 U.S.C. 1360(d).

7. An electronic comparison of fingerprint impressions obtained from Euceda on May 10, 2016 with fingerprint impressions in his alien file reflects that they were made by the same individual.

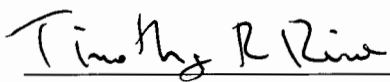
Based on all of the foregoing, your affiant believes that there is probable cause to believe that Franklin Renan Euceda also known as “Franklin Euceda,” “Nathaniel Fuentes,” “Nathanael Ortiz,” and “Nathanael Ortiz-Fuentes,” has committed the offense of illegal reentry into the United States after deportation, in violation of Title 8, United States Code, § 1326(a), and respectfully asks that the Court issue a warrant ordering his arrest for such crime.




Thomas R. Darmody
Deportation Officer
Immigration and Customs Enforcement

SUBSCRIBED TO AND SWORN TO BEFORE ME

THIS 20th DAY OF March, 2017



HONORABLE TIMOTHY R. RICE
United States Magistrate Judge

Administered by telephone
3/22/17 at 5:30 p.m.

3/21/17